

*Next Meeting – March 19, 2007 – 1:30 PM
Smyrna Rest Area*

**STATE COUNCIL FOR PERSONS WITH DISABILITIES
FULL COUNCIL MEETING MINUTES**

February 26, 2007 – 1:30 PM
Appoquinimink State Center
Middletown, Delaware

MEMBERS PRESENT

Daniese McMullin-Powell, Chair; Rita Landgraf, Vice Chair; Ray Brouillette, Easter Seals; Regina Byers, GCAAPD; Norwood Coleman, Sr., Consumer; Susan Cycyk, CMH/DSCYF; Adam Fisher, DOE; John Goodier, BIC; Brian Hartman, DLP/DDC; Bonnie Hitch, DTC; Tony Hortsman, Parent; Christine Long, DDDS/DHSS; Bob Osgood, Past Chair; Dennis Rubino, DHSS/DPH; Loretta Sarro, DODHH&CODHHE; Liz Schantz, Consumer; Sandy Tuttle, Easter Seals; Jamie Wolfe, Consumer and Kyle Hodges, Staff

MEMBERS ABSENT

Cookie Austin, Parent; Brian Bard, Consumer; Doyle Dobbins, DelArf; Lisa Furber, State Rehabilitation Council; Janet Leitch, Consumer; Lora Lewis, DPH/CSHCN; Rita Marocco, NAMI-DE; Miranda Marquez, DOL/DVR; Dan Muterspaw, AAB; Ann Phillips, Parent and Wendy Strauss, GACEC

INTERPRETER

Lois Steele

CALL TO ORDER

Daniese McMullin-Powell called the meeting was called to order at 1:35 pm.

ADDITIONS TO THE AGENDA

- Kyle will give information on the Fair Housing Conference.
- Kyle added discussion on the SCPD March 19 meeting location.

APPROVAL OF MINUTES

Motion was made, seconded and approved to accept the November 20, 2006 meeting minutes as submitted.

BUSINESS

MFP Update

Joyce Pinkett, DHSS grant project manager, has included materials and Kyle has also included materials in today's hand-outs.

Daniese provided an update. Delaware did apply for the Money Follows the Person grant; however, we did not get it yet. Delaware has been given a second chance to resubmit the grant by clarifying some issues that CMS targeted. The New Freedom Initiative provides \$1.75 billion in total, to be provided to States, to get persons out of institutions and into their own homes in the community. Delaware applied for 7 million to get 100 people out over a period of five years with a state match of approximately 4 million.

The questions CMS asked are in your packet today. The questions had to be answered by today. For this grant only, Delaware Medicaid will receive a 75% match on direct transition services and 50% (the usual match) for administrative services. Seventeen states were awarded funding and 21 states will be provided a 2nd chance. Kyle noted that about ½ the Federal dollars had been awarded so there are a lot of funds to still be distributed.

Daniese noted that transitioning individuals into the most integrated setting is still required by the ADA and that Delaware should be doing this regardless of grant funding. The JFC/Division of Long Term Care Residents Protections hearing will be held at 2 pm tomorrow. Daniese will be speaking at the LTC and Medicaid hearings.

Sandy Tuttle asked what SCPD can do to help with the rebalancing. Daniese reported that we need to continue to support community based services (e.g. PAS, housing, etc.).

Kyle suggested that the hand-out questions from CMS be reviewed by the SCPD and noted that Jim Salt from the Center for Disabilities Studies is encouraging the rewording of certain question in the resubmission of the grant.

CMS--Question 1—How do the institutions you plan to transition individuals from meet the definition of a “qualified institution” in the MFP solicitation? SCPD agreed that the Medicaid response to this question is accurate

CMS Question 2—Since the state has limited experience in consumer direction, how does it plan to operationalize its proposed guiding value of “consumer direction of services and budgets”? SCPD thought that the answer to this question is somewhat vague.

CMS Question 3—Since the state does not propose to request legislation to expand the availability and array of HCBS, what methods will it propose for sustaining transitioned

individuals in the community after the MFP demonstration? SCPD again thought the answer was somewhat vague.

CMS Question 4—The proposal as written throughout describes efforts underway but it does not adequately describe what the MFP Demonstration Grant Program money will be used to do. Please describe how this program will significantly add to the State's rebalancing initiatives already in place and what will be done differently with this demonstration program. SCPD thought the answer may be too vague. Daniese will e-mail Joyce now to look at the DDDS Strategic Plan. The void is moving forward beyond the DDDS population which may be because there is still controversy with Long Term Care. Chris said that the Action Steps are missing from the other divisions. Chris also said that the policies and procedures are done differently throughout the divisions.

Rita said that if we don't get this money, there are other opportunities. Bob commented that if there is such a big demand in the state, it must not have been included in the request for the grant.

MBI Update

Per Kyle, Joyce Pinkett said that there is an internal group that will be meeting to develop some policies on MBI. It is in the Gov's recommended budget for about \$225,000 or \$230,000 for FY'08 fourth quarter implementation. Joyce said that there will need to be an amendment to the Medicaid state plan and also probably go through the Register of Regulations once standards are developed. Kyle said this is contingent on the cigarette tax hike bill. The next year for full implementation will be \$700-800,000.

Governor's Commission Update

Rita Langraf provided a report. The Commission will have a retreat on March 26. The Committees have been working diligently to continue to refine their goals, objectives and planned actions. The Center for Disabilities Studies is going to attempt to take the work of all the Committee's and bring it down to a workable template so the Commission can review the whole document. Fiscal notes will be attached also. Work at the retreat will be to prioritize all that into the Commission's report for a five year plan. If this cannot be accomplished at the one day retreat in March, April is being held open to host another retreat.

The goal in May is that the Commission will have their draft plan to be taken out for public comment. Then in June, the Commission will meet again to hear the feedback from the Public and to do any refinements in the report. The idea is that in the month of July, the Governor will host a press conference to release this report.

Kyle commented that at the end of your hand-out packet of today, there is a draft of the Housing and Healthcare reports. Kyle staffs these committees; and Sandy and Daniese are co-chairs of the Housing Committee.

DDDS Quality Council

In your packet there is an e-mail from Marianne Smith regarding the DDDS Quality Council. Chris provided an overview. The Council will be a Statewide Advocacy Group that will identify issues and make recommendations to the DDDS Director for improving division-wide services and systems. There is a contract with a consulting group - Human Services Research Institute (HSRI) - who will provide training to the Quality Council members to get this started. Once the group has been identified and selected, meetings will be held in April and May with the HSRI to help the group define its purpose. Fifty-one percent of persons in this group will be people with disabilities or have a family member with a disability. An application is attached and should be returned to Mary Anderson.

Chris is the liaison between the Council and the Division. The Chair will be elected by the group. Marianne said that the idea is to try and get some new people involved and not the people that we normally see at the State meetings. Mentors will be hired if needed to work with these individuals on an on-going basis to understand the system. Adjustments will be made for their needs. Rita will give applications to the Delaware People First group. Chris will be one of the persons reviewing the applications. Chris said that in the intensive strategic planning effort, they identified wanting to do more in the area of both constituent input and involvement that is more meaningful. In addition, DDDS is looking at areas that are doing well and areas that they are not doing well and how they can be improved. The idea of the Quality Council, in part, is to assist DDDS in looking at data (e.g. mortality data, abuse data) and at different types of information that is not normally their area. There will be training in these areas and confidentiality and identifying information will be taken out so that people are not identified specifically in the data. Chris said that they are hoping that this makes our services more sensitive to the needs of people and the families that are served. CMS wants to see more stakeholder involvement. Brian suggested something about the chair (the microphone could not pick it up) Chris will get back about this suggestion which was a good idea.

Chris plans to be very involved for all issues. Marianne would like to keep the group to 18 persons and under. Tony suggested that the group have an odd number. Chris agreed to take this suggestion to the group. Brian suggested that the SCPD write a letter to Marianne in support of this grant. Motion was made, seconded and approved to send the letter as suggested. Chris Long abstained.

Kyle noted that in another hand-out the DDDS's Strategic Plan 2007-2010 public meetings are being held as follows:

- March 8, 2007 from 7-8:30 pm at Del Tech Stanton Campus, Conference Room A112
- March 15, 2007 from 6:30-8:00 pm at Del Tech Owens Campus, Center Building Lecture Hall

- March 22, 2007 from 6:30-8:00 pm at Del Tech Terry Campus, Conference Room's 407A & B.

Per Chris, this will be posted to DDDS's website today. Joe Keyes will be the contact/facilitator.

Stem Cell Bill (S.B. 5) & Other Legislative Initiatives

Kyle gave the following report on the hand-out in today's packet of information:

- SB 5—Kyle also provided comments from last year. This was talked about with a representative from Rep. Castle's office at one of our meetings last year. No formal analysis was done last year by the SCPD. Kyle noted that one positive feature of the bill is that there is an advisory group for this bill with one person from the Delaware disability community (we had asked for two). Brian noted that he had heard on the radio that there is opposition from religious groups who were very effective last year. It was agreed that the Policy and Law Committee would review this bill at their March 15 meeting.
- Architectural Accessibility Bill The handout provides an analysis of old Senate Bill 139 done by Laura Waterland of the Disabilities Law Program. Kyle suggested that Council may want to introduce a bill for a statewide code without a fiscal note or expanding the Architectural Accessibility Board and their responsibilities to get our "foot in the door". After much discussion last year, Dan Muterspaw indicated that the AAB may endorse such an approach. Kyle asked Brian that if the Council decides to go this way, could Laura draft a bill. Brian suggested that we could get it introduced this session without a fiscal note or a minimal fiscal note and possibly work with the original sponsor Senator McDowell. We would need to look at what committee would be the most appropriate. Brian will ask Laura, depending on her workload, to draft this bill this session.
- Consumer Bill of Rights for the Community—Per Kyle, Jamie is going to do some research at CDS to get some information from other states and bring this information back as another possible legislative initiative. An Ombudsman for Community Based Services ties into this also.
- Other legislative initiatives are the Helmet Bill and the Special Education regulations.

Road to Freedom Tour

Daniese gave an overview on the hand-out in today's packet: The Road to Freedom bus stopped at the Freedom Center in Middletown. Their main topic of discussion is the American with Disabilities Act enforcement and ways that it helps the disabled community. This will be a joint effort of the SCPD, DDC and ADAPT DE to put it together. The bus will be here on November 10 and 11, 2007. Kyle asked if any one has any ideas of a venue or ways to publicize the event. The Grand Opera House in Wilmington was suggested. Rita and Kyle will talk to DFRC. There will be a press

conference. Testimonies will be heard on the ADA and what it has done for people. Please think about people for verbal or written testimonies. At the end of the tour, information will be presented to Congress. Please let Daniese and Kyle know any thoughts—send via e-mail.

Paying Relatives for PAS

Kyle provided the following update. Brian Hartman, Brian Bard and Kyle met with DSAAPD in the Summer to start on a dialogue on seeing what the state can do to change their policy to pay relatives for attendant services. There are certain federal restrictions; however, the state could still be more liberal in its policy. Moreover, the HB 30 program could develop any policy since it does not receive any federal funds. Therefore, the state policy could be a lot more flexible. DSAAPD indicated that they are trying to start a pilot program. Kyle asked them to attend this meeting today. Their response was that they are having an internal meeting on March 7 and they have agreed to come to our March 19 meeting to discuss these details.

Universal Design Home

Per Kyle, in the materials provided today is an e-mail from Pat Maichle on the Universal Design Home in Seaford. A member on the DDC, Steve Tull, a builder, designed and built a house based on universal design concepts. The grand opening will be on March 30th from 12 noon to 6 pm at 204 Valley Run, Clearbrook Estates, Seaford. Directions are included in this e-mail. Brian reported that the DDC discussed having Steve put a virtual tour of the house on the CDS website. Steve was amenable to this idea.

JFC Hearings

Kyle announced that there is a JFC schedule in the materials. Brian will be testifying on three budgets—DDDS, DSAAPD and DSAMH. Brian's testimony will be similar to what he presented in the Fall. In the DDDS budget, Brian will be promoting approval of the family support waiver. There is zero money in the Governor's budget to begin implementation of this very important initiative. Regarding the DSAMH budget, Brian will be promoting more funds for supported apartments. In the Governor's budget, money is included for one supported apartment program which would cover about ten people. Brian is asking for more and also that they consider addressing geographic disparities; since there are none in Sussex County. Kent County has one and there are ten group homes and seven apartments in New Castle County. In the DSAAPD budget, Brian will be promoting approval of the \$400,000 of "tobacco" funds that is included in the Governor's budget for attendant services through the HB 30 program. This would take care of the waiting list. Brian said that the DD Council Executive Committee has authorized Brian to testify on their behalf.

Susan commented that a supported apartment is needed for young adults aged 18 to 25. Brian said unless there is a state statute that authorizes discrimination based on age, it may be difficult to do. Susan asked if the Council would encourage DSAMH to look at this

possibility now instead of later. Brian suggested that the SCPD write a letter to DSAMH asking that if they do get funding to direct it toward their community programs, that they consider the transitioning from child mental health to the young adult group (18-25 years old) with appropriate services as a priority other than the traditional support services. Motion was made, seconded and approved to send the letter to DSAMH with copies to the JFC as suggested.

Motion was made to authorize Brian's three testimonies on behalf of the SCPD as presented. It was seconded and approved for Brian to do so.

Susan reported that a DSCYF concern is for the amount of resources available for community based services. Another concern is that they did not get the money requested for Juvenile Justice that would lower the probation officer's caseload by adding more probation officers. The average time that a probation officer sees a client is 15 minutes a month. Susan will forward the percentage stats of kids with disabilities to Kyle. Susan noted that, conservatively 50 percent of the 9,000 kids under the Department have disabilities. Susan also noted that 70% of kids in Juvenile Justice are diagnosed with a mental illness disability or substance abuse. Susan also said that they did not get the community based services that they had requested. They received one-half of a year funding for substance abuse. Pat is also going to address this in her testimony. Kyle will collaborate with Pat. Motion was made, seconded and approved for the SCPD, either directly or indirectly, to present its views on the Department of Services for Children, Youth and their Families budget consistent with this discussion. Susan Cycyk abstained.

Committee Reports

Brain Injury Committee (BIC)—Kyle noted that there is a "save the date" card regarding an April 17 conference co-sponsored by DOE, GACEC, SCPD and AI DuPont which is targeting some brain injury issues within the educational context. Also provided is a document which describes objectives of the 2nd year of the brain injury grant. The ABI waiver should be submitted by March 31st that extends the assisted living and elderly and disabled waivers to include services for people with acquired brain injuries.

Housing Committee – as noted about, the Commission template is included in the materials.

Other Business

- Kyle noted that the Fair Housing Conference will be on April 10. Kyle will send out more information electronically.
- The next meeting will be March 19, 2007 at 1:30 PM at the Smyrna Rest Area and a confirmation e-mail will be sent to members
- Kyle provided the FY 06 Attendant Services Report from DSAAPD.

ADJOURNMENT

The meeting was adjourned at 3:50 PM

Respectfully submitted,

Kyle Hodges
SCPD Administrator

SCPD/minfeb07